IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13255 of 2005

Between:

M. Narayana Rao, S/o M. Bhaskar Rao, 35 years,

Press Reporter, R/o Penumantra, West Godavari District.

...PETITIONER

AND

1. The Joint Collector, West Godavari District, Eluru.
2. The Revenue Divisional Officer, Kovvur, West Godavari District.
3. The Mandal Revenue Officer, Penumantra, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents for stalling the construction of house by the petitioner in his house site patta in R.S.No.749/1A measuring Ac.0.03 cents of Penumantra Village and Mandal as illegal, arbitrary and violative of Principles of natural Justice and consequently declare that the respondents have no power to stall the construction by the petitioner in his house site patta bearing R.S.No.749/1A denoted as 749/5 measuring Ac.0.03 cents of Penumantra Village and Mandal, West Godavari District.

Counsel for the Petitioner: SMT.K.SWARNA SESHU

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13255 of 2005

ORDER:

This Writ Petition is filed by the petitioner seeking declaration of the action of the respondents for stalling the construction of house by him in his house site patta situated in R.S.No.749/1A denoted as 749/5 admeasuring Ac.0.03 cents of Penumantra Village and Mandal in West Godavari District as illegal and arbitrary and a consequential declaration that the respondents have no power to stall the construction by the petitioner in the above mentioned land.

The learned counsel for the petitioner submitted that the petitioner is the resident of Penumantra Village and working as Press Reporter for the last fifteen years. On the basis of his representation, the respondents granted house site patta to him. He is a White Card Holder, earning an annual income of Rs.10,600/-. After conducting an enquiry, the Revenue Divisional Officer submitted a proposal to the Collector, West Godavari, Eluru vide proceedings in Roc.C.2647/98 dated 20.12.1998. The Joint Collector approved the conversion of the land from Rest House Bunglow to village

site poramboke. As per the said approval, the petitioner was granted patta for the land to an extent of Ac.0.03 cents on his remitting an amount of Rs.3,300/- by way of a challan dated 17.07.2003. The petitioner was kept in possession from 19.07.2003 onwards. When the petitioner started construction of the house in the said plot, the respondents are interfering with the possession and construction of the house. Therefore, he filed the present Writ Petition.

When the Writ Petition came up for admission on 22.06.2005, the learned Government Pleader requested time for getting instructions. Accordingly, the matter was posted to this day. Today, the learned Government Pleader reported that none of the respondents are interfering with the peaceful possession and enjoyment of the above said land by the petitioner. It is submitted that the Writ Petition is filed with mere apprehension. The same is recorded.

Considering the facts and circumstances of the case, I deem it appropriate to dismiss the Writ Petition at the admission stage as no further orders are necessary on the ground that the respondents are not interfering with the peaceful possession and enjoyment of the property by the petitioner.

The Writ Petition is dismissed. No costs.

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(ELIPE DHARMA RAO, J)

27th June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Joint Collector, West Godavari District, Eluru.
2. The Revenue Divisional Officer, Kovvur, West Godavari District.
3. The Mandal Revenue Officer, Penumantra, West Godavari District.
4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.